

WYANDANCH UFSD

Office of Curriculum & Technology

Sally S. Neumann

Assistant Superintendent

Phone: 631 643-0628

Fax: 631 491-1060

APR 9 2 2007

TO MS. MARLENE H. DORTCH, SECRETARY - FCC

FAX. 202 418-0187

SUBJECT: WYANDANCH UFSD

COMMENTS:

DEAR MS. DORTCH,

ATTACHED PLEASE FIND AN APPEAL FROM THE WYANDANCH UFSD FOR FRN 1492308.

YOU ANTICIPATED COOPERATION IN RECONSIDERING THIS APPLICATION IS APPRECIATED.

THANK YOU.

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TRANSMISSION VERIFICATION REPORT

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related to the ineligible video on demand server." The response **mistakenly** stated that the **"Software Updates & Tech Support was related solely to the Video SERVER-this line item will be completely removed. Qty 3 of \$9770.50=\$29,311.50."** The **original** response dated 12/7/06, was based on mistaken information provided by **the** vendor concerning allocation of the software updates and technical support. The school district personnel are inexperienced with E-rate and the technical time and requirements for software updates and technical support required and relied on **the** information provided by **the** vendor. The software updates and technical support charge listed **on the** contract is \$29,311.50 and is for all of **the** equipment listed on the contract (Exhibit #2). The correct amount for **software** updates **and** technical support which properly should have been allocated to the VODS is only \$8,793.45. The remainder amount is for **software** updates and technical support for all the other eligible equipment covered under the FRN.

The original referenced FRN total annual pre-discount amount was \$233,859.50, as listed on the contract included with the **FCC** Form 471 Item 21 Attachment (See Exhibit #2). Thirty percent (30%) of **the total** requested pre-discount amount is \$70,157.85. We agree **that the** line item for the Ethernet TV –NXG1 – Video on Demand Server (VODS) of \$38,237.25 is ineligible **and** that **the** ineligible installation cost related to the **VODS** is \$4,000. However, the software updates and the technical support related to the VODS is in fact only \$8,793.45 (not \$29,311.50).

Adding the factually **correct** ineligible items for the **FRN** as follows:

| | |
|---|-------------|
| VODS | \$38,237.25 |
| VODS installation | \$ 4,000.00 |
| VODS software updates & Installation | \$ 8,793.45 |
| Total Ineligible Amount | \$51,030.70 |

The complete rejection of the **entire** funding request based on a small ministerial error would create **an** undue burden on the school district, is not in the public interest, and would unduly penalize the students. There is no evidence of waste, fraud or abuse, **and**, in fact, under 30% of the FRN is ineligible, therefore there is no rule violation. The FCC's Bishop Perry decision

~~offers~~ a remedy for ~~errors~~ where “there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.” Furthermore, the Commission may grant a waiver if special circumstances warrant a deviation from the general rule, and such deviation would ~~better~~ serve the public interest, than strict adherence to the ~~general~~ rule.²

Summary

The total ineligible amount of **\$51,030.70** is only **22%** of the **FRN (\$233,859.50)** and does not exceed the threshold for the **30%** Rule. Therefore, ~~based~~ on the new ~~corrected information~~ above, we respectfully request the Commission enter ~~an order setting aside the decision of the SLD~~ and enter ~~an order instructing the SLD~~ to approve ~~an~~ adjusted commitment. We request ~~that the~~ FRN be reduced by said ineligible amount (**\$51,030.70**) which would result in a revised pre-discount amount of **\$182,822.80** and applying the discount rate of 87% would be ~~an~~ adjusted ~~funding~~ commitment request of **\$159,055.84**.

Respectfully submitted on behalf of
Wyandanch **Union Free** School District,



Sally Neumann
Assistant Superintendent
1445 Straight Path
Wyandanch, NY 11798
(631) 643-2278
sneumann@wufad.net

Dated: March 26, 2007

¹ Bishop Perry Middle School, New Orleans, LA, et al., File No. SLD-487170, et al., CC Docket No. 02-6, order released May 19, 2006, paragraph 11.

² Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 116 (D.C. Cir. 1990).

EXHIBIT #1

From: Clifford C. Friedman [cfriedman@e-ratecentral.com]
 Sent: Thursday, December 07, 2006 4:22 PM
 To: Cosgrove, David
 Subject: PIA Response for Cost Allocation Wyandanch 471 538721 P2.doc

CentralEd
FAX

E-Rate Central/Textbook Central
 625 Locust Street, Suite 1
 Garden City, NY 11530
 Tel: (516) 832-2880 • Fax: 516-832-2877

| | |
|--|--|
| To: Dave Cosgrove SLD: PIA | From: Clifford C. Friedman CentralEd |
| Fax: (973) 599-6513 | Fax: 516-832-2877 |
| Phone: (973) 581-5032 | Phone: (516) 832-2880 |
| Date: 12/7/2006 4:15 PM | Pager: (Including cover page) 3 |
| Subject: PIA Response "Wyandanch 471 App. 538721 as per phone call" | |

hi I am your question (as discussed on 10/1 regarding the Wyandanch UFSD (Billed
 entity Number 123983) FY 21 Form 471 for City Two services (Form 471 Application #: 538721).

The all answers to your questions contain the cost allocation dollar amounts:

1 1492308

- The Ethernet/IV-NXG1 Video on 1 is not eligible for funding. Please provide a cost allocation of allocation related this ineligible component.
- Please identify the products that will be used by the line item 1 and technical support"
 - o Please provide a cost allocation of this line item as it relates to the ineligible video on demand server.

The Video on 1 and 2 requires 4 days of installation @ \$1000.00 per day.
 Total of \$4000.00 will be removed.

For Updates & Tech support was related solely to the Video SERVER – this line item will be completely removed.
 Q1 3 of \$97 \$2,315

FRN 1492309

- The following equipment is eligible for funding. Please provide a cost allocation of "OST Installation" that is related to this ineligible equipment.
 - o Second Catalyst 6500/7600 1 720, Full MSF PFC3B (only one per class is allowed)
 - o Catalyst 6500 Network Analysis Module.

The Catalyst Supervisor 1 is on day of installation – this will be removed from the proposal

and the time adjusted. Cost allocation = \$1000.00. This will be removed from the installation cost

Catalyst NAM required 3 days of Installation @ \$1000.00 per day. Cost allocation = \$3000.00. This will be removed from the installation cost.

FRN 1492310

- The following equipment is ineligible for funding. Please provide a cost allocation of "OST installation" that is related to this ineligible equipment.
 - o Cisco 2811 Voice Bundle PVDM2-16 FL SRST36 SP Ser (28% ineligible)
 - o Clean Access (100% ineligible)
 - NAC Appliance-Clean Access Mgr AP
 - Cisco Clean Access NAC Appliance- Clean Access AP (250 users)
 - Cisco Clean Access Appliance Server K9

The Cisco 2811 voice bundle installation was \$500 per unit. Removing 28% (\$140.00) will reduce the installation charge to \$360.00 per unit. This change will be reflected in the installation charge. \$140.00 times 5 units = a reduction of \$700.00

Cisco Clean Access hardware and Installation charges will be completely removed. 7 Days @ \$1000.00 per day = reduction of \$7000.00

FRN 1492311, 1492312, 1492313

- Please provide a list of equipment (make, model number, quantities) to be supported by each of these FRNs. (Note: If the equipment to be supported includes Servers, please provide the function of each server. If the server is a web server, please describe how this server will be used.)

FRN # 1492311 –

Symbol Wireless Model 1200 Wireless Access points (12 units) Wyandanch High School

Symbol Wireless Model 1200 Wireless Access points (22 units) Martin Luther King Jr. Elementary

Cisco Catalyst switches
 Series 2500 (5),
 series 3308 (4)
 Series 4500 (3)
 Series 6500 (1)
 Milton Olive Middle School

FRN # 1492312 -

Milton Olive Middle School
 Wyandanch High School
 Martin Luther King Jr. Elementary

Dukane Interactive TV Series 5003 Main switch support & product updates.

FRN # 1492313 -

Martin Luther King Elementary Server Equipment -
1 DHCP Server / 1 DNS Server / 1 Terminal Server

Wyandanch High School
1 DHCP Server / 1 DNS Server / 1 Terminal Server

Martin Luther King Jr. Elementary

Should you have any further questions regarding this application, or this response, please contact me at your convenience.

Sincerely,

Clifford C. Friedman
General Counsel
E-mail: cfriedman@centraled.com
Web: www.e-ratecentral.com

EXHIBIT #2

| | |
|--|---|
| Entity Number <u>123983</u> | Applicant's Form Identifier <u>06-Wyndch2</u> |
| Contact Person <u>Bretton L. Himsworth</u> | Phone Number <u>516-832-2882</u> |

Attachment# 6

Service Category: Internal Connections

Service Provider. Open Systems Technologies, LLC

| <u>Narrative Description:</u> | | | | |
|-----------------------------------|--------------------------------|-----------|----------------------------|---------------|
| Interactive TV Video Solution MLO | | | | |
| Quantity | Product or Service Description | Unit Cost | Extended Pre-discount Cost | |
| | | | Recurring | Non-Recurring |
| | | | | 233,859.50 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Monthly or Annual Totals: | | | | 233,859.50 |